

Planning Democracy and Equal Rights of Appeal

Introducing Planning Democracy

Planning Democracy is a national charity established in 2009 with the aim of strengthening democracy by promoting a stronger public voice in the Scottish land-use planning system.

Our charity currently has no staff and is entirely run by volunteers. However, we have had significant successes in campaigning, researching and influencing changes to the planning system. We are supported by many community councils throughout Scotland for example 130 people came to our conference this year, representing around 40 community councils.

Planning Democracy was established in response to growing concerns from individuals and groups who found that they have little ability to understand or influence the planning process.

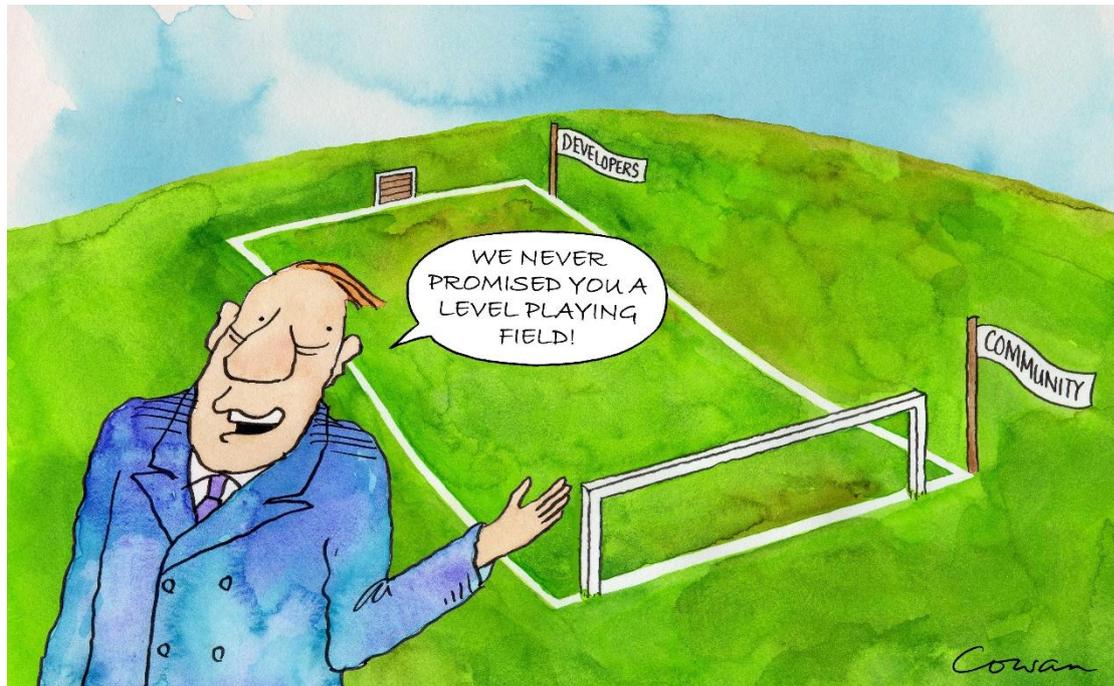
The government has promoted multiple different goals for the planning system. Since the planning reforms which led to the Planning Act 2006 the legal purpose of planning in Scotland has been to promote sustainable development. However there is an increasing emphasis on pursuing “sustainable economic growth” as the overarching goal of the system. This has effectively emphasised the dominance of what is known as the ‘presumption in favour of development’ within the Scottish planning system whereby the default answer to any application for planning permission is ‘yes’.

It has also led to a prioritising of the interests of developers who have come to be identified as the chief ‘customer’ of the planning service (and who, above all, want quick and positive decisions) over other (community) voices, leading to a focus on efficiency and speed that undermines the commitment to democratic decision-making.

We try to make a difference by highlighting the public perspective in planning, particularly the human impact, the impact that getting involved in planning has on people’s lives

Planning Democracy's Campaign for Equal Rights of Appeal

In August 2014 PD launched their campaign for Equal Rights of Appeal. We did this because we feel that it is one of the key things that can be done to increase public confidence in the planning system, it also gives us a focal point to highlight the current inequalities and injustices in the planning system.



What is Equal Rights of Appeal?

Currently a developer who submits an application for planning consent to the Local Authority and has it rejected has the right to appeal the decision.

But if the same developer had their application approved, even if it is a controversial or weak decision, that's the end of the line, nobody (importantly communities) can appeal the decision.

There is the option of legal challenge but the costs are so high that this not a practical or realistic option for most people. Judicial reviews only look at the way the decisions are made they cannot look at the details of a planning application.

An equal right of appeal would give communities the opportunity to appeal planning decisions.

ERA balances out who can make appeals to include the people most affected by a planning decision.

Why do we need ERA?

It gives those who are impacted by a planning proposal the chance to challenge the decision, and adds some extra scrutiny into the process of deciding what is development 'in the public interest'.

An example might be for example in [Edinburgh](#) permission was granted for a hugely controversial development for housing at a former University buildings set in wildlife-rich urban parkland and woodland on one of Edinburgh's Seven Hills. The site's protections include Area Great Landscape Value, Local Biodiversity Site, habitat of protected species, nationally protected setting of A listed buildings, part of the Edinburgh skyline (including protected views) and a conservation area. There were over 3,450 formal objections from the public, the development contravened numerous local policies and protections and there were numerous aspects of the development that were brought into question by the community. But the right of appeal is denied to this community which limits the opportunity for adequate scrutiny of the decision.

Why don't we have Equal Right of Appeal?

The current inequality in rights of appeal can be seen as a historical artefact.

The Town and Country Planning (Scotland) Act 1947 created the foundations of the modern planning system. This legislation removed landowners' right to develop their land in whatever way they chose, instead requiring them to seek permission from the Local Authority.

As a way of compensating landowners they were granted a right to appeal against a decision if they were refused planning permission.

It's time we changed the appeal rights to level the playing field for who gets to decide what development in in the public interest.

Petition 1534

In Sept 2014 Planning Democracy submitted a [petition](#) to the Petitions Committee. We gave evidence on it in November and in February 2015 it was referred to the Local Government and Regeneration committee who oversee planning. This was all looking very favourable until the Government announced a planning review which has delayed the Committee's work on our petition until after the outcome of the planning review.

What you can do to campaign for Equal Rights of Appeal

We need you to help us keep up the pressure! This is no easy win, developers see equal rights as a considerable threat to their profits and lobby hard to ignore the public call for it.

1. You can agree as a community council to support the campaign (and write and tell Planning Democracy)
2. You can encourage other local CC's or organisations to join this campaign
3. You can get media coverage of your local planning issue and link it to asking for ERA
4. You can invite your local MSPs to your CC meeting and tell them you want ERA
5. You can explain ERA to people in the local community and ask them to write to their MSPs about it
6. You can sign a postcard and send it to your MSP (remembering to put your address on the postcard)
7. The elections are coming up so we have the opportunity to use this to get ERA on the agenda: You can raise the issue at election hustings making it an election issue
8. You can write to your MSP saying you would like to see a commitment to ERA in the election manifesto
9. You can join [Planning Democracy](#) and add your voice to a growing call for more equality in planning.